

***Mayor Kenneth Carey, Jr.***

2 North Main Street

Crossville, TN 38555

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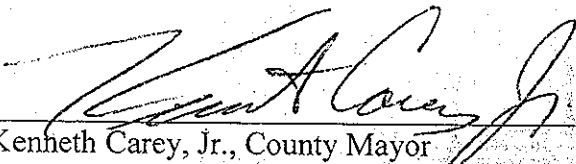
mayorcarey@cumberlandcountyttn.gov

November 10, 2016

**NOTICE OF CALL FOR A CLOSED SESSION OF THE CUMBERLAND COUNTY BOARD  
OF COMMISSIONERS, CUMBERLAND COUNTY, TENNESSEE**

Each of you, as members of the Cumberland County Board of Commissioners of Cumberland County, Tennessee, are hereby summoned to a closed session of the County Commission to be held in the large meeting room of the Courthouse in Crossville, Tennessee, on Monday, November 21, 2016 at 5:15 p.m. for the following purpose:

**MAYOR KENNETH CAREY, JR., AND COUNTY ATTORNEY RANDAL BOSTON TO PRESENT UPDATES  
ON LEGAL ISSUES INVOLVING CUMBERLAND COUNTY, TENNESSEE**

  
Kenneth Carey, Jr., County Mayor  
Chairman Cumberland County Commission

ATTEST:

  
Julie Bryson, Cumberland County Clerk

**Jule Bryson**  
*Cumberland County Clerk*

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2 North Main Street, Suite 206 • Crossville, TN 38555 • (931) 484-6442 • Fax (931) 484-6440

November 10, 2016

**TO:** Cumberland County Commission, County Mayor, and News Media

**FROM:** Jule Bryson, Cumberland County Clerk

**SUBJECT:** November 21, 2016 Monthly Cumberland County Commission Meeting

Take notice, pursuant to TCA 8-44-103, the Cumberland County Commission, the governing body of said county, will convene and meet in regular session on Monday, November 21, 2016 at 6:00 o'clock P.M. in the large meeting room on the third floor of the Cumberland County Courthouse, where and at which time and place the said Cumberland County Commissioners will transact such public business as may lawfully come before it.

Attached is a copy of the agenda as of this date. I am looking forward to seeing you there.

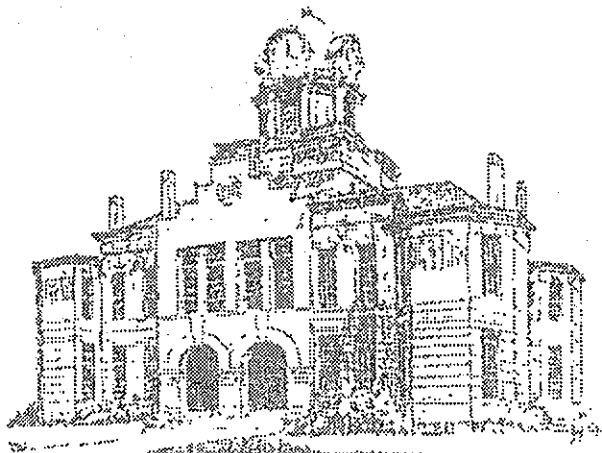
Sincerely,



Jule Bryson  
Cumberland County Clerk

JB/dc

Enclosures



# **CUMBERLAND COUNTY COMMISSION MONTHLY MEETING AGENDA**

**NOVEMBER 21, 2016**

**6:00 O'CLOCK P.M.**

1. Call to order: Chairperson or Cumberland County Sheriff
2. Invocation
3. Pledge to the Flag of the United States of America
4. Roll Call, Cumberland County Clerk, Jule Bryson
5. Minutes of October 17, 2016 Quarterly Monthly Cumberland County Commission Meeting
6. Special recognitions, memorials, etc.
7. Comments by the General Public
8. Unfinished Business
9. New Business:

Bond for Cumberland County Assessor of Property David Simcox

RESOLUTION 11-2016-1-Budget Amendment, General Fund, \$29,424.00, Local Health Center (Rimmer)

RESOLUTION 11-2016-2-To accept offer of Gene A. McMahon to purchase one (1) parcel of property owned by Cumberland County (Hyder)

RESOLUTION 11-2016-3-To accept offer of Louie Burton to purchase one (1) parcel of property owned by Cumberland County (Hyder)

RESOLUTION 11-2016-4-To accept offer of Rusty Norrod to purchase three (3) parcels of property owned by Cumberland County (Hyder)

RESOLUTION 11-2016-5-To appoint Trevor Kerley as Cumberland County Fire Chief (Carey)

RESOLUTION 11-2016-6-To encourage the State of Tennessee Government to pass legislation in regard to the impact of industrial wind turbines (Stone)

10. County Official Reports
11. County Attorney Report
12. Standing Committee Reports
13. Statutory Committee Reports
14. Election of Notaries, Appointments, and Confirmations
15. Announcements and Statements
16. Adjournment

**CUMBERLAND COUNTY COMMISSION MONTHLY MEETING MINUTES  
OCTOBER 17, 2016**

Be it remembered that the Cumberland County Commission met in quarterly monthly session on Monday, October 17, 2016 at the courthouse in Crossville, Tennessee. Sheriff Casey Cox called the meeting to order at 6:00 o'clock P.M. Present and presiding was Commission Chairman, County Mayor Kenneth Carey, Jr. who invited Minister Ralph Reagan from the Bread of Life Ministries to give the Invocation and Commissioner David Gibson was asked by the Mayor to lead the Pledge of Allegiance to the Flag of the United States of America. Also present at the meeting were County Clerk Jule Bryson, County Attorney Randal Boston, Finance Director Nathan Brock and the following County Commissioners:

Tracey Scarbrough	Sue Ann York
Nancy Hyder (absent)	Tom Isham
David Hassler	Rebecca Stone
Allen Foster	David Gibson
Jack Davis	Terry Lowe
Terry Carter	Wendell Wilson
Elbert Farley	Roy Turner
Tim Claflin	Sonya Rimmer
Woody Geisler	John Patterson

A quorum being present, the Cumberland County Commission Meeting was opened in due form of law and the following proceedings were had to wit:

**1. MINUTES OF SEPTEMBER 19, 2016 MONTHLY CUMBERLAND COUNTY COMMISSION MEETING:**

On motion of Commissioner Hassler, second by Commissioner Turner, moved the minutes of the September 19, 2016 Monthly Commission Meeting be approved, treat same as read, made a matter of record, and filed.

The motion to approve the meeting minutes carried by a roll call vote of 16 ayes from the Commission present with Commissioner Geisler passing on the vote.

**COMMENTS:**

Craig Clark of Crossville, Tennessee was the first to address the Board and suggested the County needed a more complete Risk-Benefit Analysis to determine the net economic impact of the proposed Apex Wind Farm project. Mr. Clark also provided statistical information from independent studies which he stated serves notice to Commissioners that the project is a threat to our economic health as well as our safety, welfare and quality of life. The second speaker Sandra Baxter Dutcher of Fairfield Glade, detailed her background as a former County Attorney and expressed her love for the community; however she made know she was worried about the direction the county is heading. She felt the work force in the county could be improved by implementing a drug court overseen by an effective and hardworking judge and also the wind farm issue could be resolved if the Board would listen to more credible facts and information being provide to them by the coalition of citizens working to protect the region from the project.

**2. RESOLUTION 10-2016-1-REGARDING THE MANAGEMENT AND COMPENSATION OF EMERGENCY MEDICAL SERVICES DIRECTOR AND FIRE DEPARTMENT CHIEF:**

On motion of Commissioner Rimmer, second by Commissioner Foster, moved to adopt resolution 10-2016-1.

The motion to adopt resolution 10-2016-1, authorizing the County Mayor to recruit and select applicants for Chief of the Fire Department and Emergency Medical Services Director with a salary and benefits package based upon the recommendation of the Occupational Management Group with any additional compensations to be based upon the qualifications and experience of suitable applicants, carried by a roll call vote of 17 ayes from the Commission present.

3. RESOLUTION 10-2016-2-BUDGET AMENDMENT, GENERAL FUND, SOIL CONSERVATION, \$4,669.00:

On motion of Commissioner York, second by Commissioner Claflin, moved to adopt resolution 10-2016-2.

The motion to adopt resolution 10-2016-2, a budget amendment for a salary adjustment for a Soil Conservation Employee, carried by a roll call vote of 17 ayes from the Commission present.

4. RESOLUTION 10-2016-3-BUDGET AMENDMENT, GENERAL FUND, ELECTION COMMISSION/VOTER REGISTRATION, \$5,800.00:

On motion of Commissioner Gibson, second by Commissioner Claflin, moved to adopt resolution 10-2016-3.

The motion to adopt resolution 10-2016-3, a budget amendment to receive grant monies designated for the Election Commission to upgrade existing voting machines, carried by a roll call vote of 17 ayes from the Commission present.

5. RESOLUTION 10-2016-4-BUDGET AMENDMENT, GENERAL FUND, SHERIFF'S DEPARTMENT, \$10,000.00:

On motion of Commissioner Hassler, second by Commissioner Turner, moved to adopt resolution 10-2016-4.

The motion to adopt resolution 10-2016-4, a budget amendment to provide radios to the Lake Tansi Security Enforcement to better assist the Cumberland County Sheriff's Department, carried by a roll call vote of 17 ayes from the Commission present.

6. RESOLUTION 10-2016-5-TO AMEND THE MARCH 16, 2015 EDITION OF THE CUMBERLAND COUNTY COMMISSION RULES:

On motion of Commissioner Rimmer, second by Commissioner Foster, moved to adopt resolution 10-2016-5.

Before a vote on the resolution, Commissioner Stone advised that the fourth sentence in the resolution be corrected to read: Whereas, the Rules Committee recommends this change so there is complete representation for all districts.

The motion to adopt resolution 10-2016-5, amending the Commission Rules by placing an appointment of a vacant seat under "Rule 3 Order of Business" as item 3.8 on the agenda after Comments by the General Public, carried by a roll call vote of 17 ayes from the Commission present.

7. RESOLUTION 10-2016-6-AUTHORIZING THE SELL OF SURPLUS PROPERTY KNOWN AS THE YOUTH CENTER:

On motion of Commissioner Rimmer, second by Commissioner Claflin, moved to adopt resolution 10-2016-6.

The motion to adopt resolution 10-2016-6, authorizing the sale of property known as the Youth Center and grant the Cumberland County Mayor and Attorney authority to complete all transactions with Highland Federal Savings and Loan in regards to the sale of the surplus property, carried by a roll call vote of 17 ayes from the Commission present.

COUNTY OFFICIAL REPORT:

Mayor Carey shared updated information concerning Commissioner Hyder's recent back surgery and recovery and noted she expects to return to work on the Commission next month.

#### FINANCE DIRECTOR REPORT:

Commissioners received a brief report from Finance Director Brock about the September 2016 revenue collections the County received from property tax, hotel/motel tax, ambulance services, prisoner boarding and sales taxes.

#### COUNTY ATTORNEY REPORT:

In his monthly report, County Attorney Boston made known there was a need to hold an executive session with Commissioners prior to the November 2016 Commission Meeting to provide them with legal updates. He also apprised the Board about the development of several lawsuits involving the county including the Equal Employment Opportunity Commission claim, Oakes vs the Sheriff's Department, Emergency Medical Services, the Sprunger and Burdick cases and Spirit Broadband LLC. Mr. Boston also reported that Debbie Johnson, the Upper Cumberland Regional Director for the Tennessee Department of Health and Mindy Doyle, the County Health Director had received requests from the Cumberland Mountain Preservation Coalition to do an evidence study regarding the effects of wind turbines. At the behest of the Health Directors, Dr. Timothy Jones, the State Epidemiologist for the Tennessee Department of Health was asked to review the research provided to him and Attorney Boston shared Dr. Jones conclusions that exposure to wind turbines is not associated with any specific health outcomes.

#### 8. ELECTION OF NOTARIES:

On motion of Commissioner Rimmer, second by Commissioner Hassler, moved that Cheryl J. Heckler, Chasity Houston, Megan Judd, Andrew J. Moses, Sally Oglesby and Deborah J. Sherrill are elected as Notary Publics for the State of Tennessee.

The motion to approve the notaries carried by a roll call vote of 17 ayes from the Commission present.

#### ANNOUNCEMENTS AND STATEMENTS:

Crab Orchard Mayor, Emmett Sherrill was congratulated by Commissioner Rimmer for receiving a Community Development Block Grant from the Tennessee Department of Economic and Community Development in the amount of five hundred twenty-five thousand dollars (\$525,000.00) to facilitate housing rehabilitation projects in the Crab Orchard Community.

#### 9. ADJOURNMENT:

On motion of Commissioner Carter, second by Commissioner Turner, moved the October 17, 2016 Commission Meeting be adjourned at 6:24 o'clock P.M.

The motion to adjourn the meeting carried by unanimous voice vote from the Commission present.

MINUTES APPROVED FOR ENTRY THIS \_\_\_\_\_ DAY OF NOVEMBER 2016.

\_\_\_\_\_  
Kenneth Carey, County Mayor  
Chairman, Cumberland County Commission

\_\_\_\_\_  
Jule Bryson, Cumberland County Clerk

**Cumberland County, Tennessee  
General Fund**

To the Cumberland County Commission meeting in regular session this 21<sup>st</sup> day of November, 2016:

Whereas, the County Health Department has received additional funding from the State of Tennessee to provide adjustments to health service employees salaries, and

Whereas, funding is provided 100% by the State and requires no local matching funds.

Therefore, be it resolved that the following budget amendment be adopted by the Cumberland County Commission.

**LOCAL HEALTH CENTER**

Increase Revenue:

101-46310	Health Department Programs	\$ 29,424.00
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Increase Expenditures:

101-55110-189	Other Salaries	\$ 18,608.00
101-55110-186	Longevity	\$ 7,397.00
101-55110-201	Social Security	\$ 1,989.00
101-55110-204	State Retirement	\$ 1,430.00

Total		\$ 29,424.00
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Sponsor: \_\_\_\_\_

  
County Commissioner

Approval: \_\_\_\_\_

County Mayor

Attest: \_\_\_\_\_

County Clerk

Budget Committee Vote:

Ayes: 1 Nays: 0 Abstain: 0

## A RESOLUTION TO ACCEPT OFFER TO PURCHASE PROPERTY OWNED BY CUMBERLAND COUNTY

**WHEREAS**, Gene A. McMahon presented an offer to the Cumberland County Delinquent Tax Committee for property currently owned by Cumberland County; and,

**WHEREAS**, said offer is for one (1) parcel of property known as:

Map 53K      Group F      Parcel 011.00      14 Kenwood Ct.

**WHEREAS**, Gene A. McMahon wishes to pay \$100.00 for said property; and,

**WHEREAS**, the Cumberland County Delinquent Tax Committee, meeting in regular session voted to recommend to the full Cumberland County Commission that said Commission accept this offer.

**NOW, THEREFORE, BE IT RESOLVED** that the Cumberland County Commission meeting in its regular monthly session hereby accepts said offer, sells said realty to the Offeror.

ADOPTED this 21<sup>st</sup> day of November, 2016.

**SPONSOR:**

Nancy Hyder (H)

**COUNTY COMMISSIONER**

**APPROVED:**

**COUNTY MAYOR**

**ATTEST:**

**COUNTY CLERK**



RESOLUTION NUMBER 11-2016-3

**A RESOLUTION TO ACCEPT OFFER TO PURCHASE PROPERTY OWNED BY CUMBERLAND  
COUNTY**

**WHEREAS**, Louie Burton presented an offer to the Cumberland County Delinquent Tax Committee for property currently owned by Cumberland County; and,

**WHEREAS**, said offer is for one (1) parcel of property known as:

Map 64F      Group B      Parcel 018.00      Chestnut Oak Drive

**WHEREAS**, Louie Burton wishes to pay \$200.00 for said property; and,

**WHEREAS**, the Cumberland County Delinquent Tax Committee, meeting in regular session voted to recommend to the full Cumberland County Commission that said Commission accept this offer.

**NOW, THEREFORE, BE IT RESOLVED** that the Cumberland County Commission meeting in its regular monthly session hereby accepts said offer, sells said realty to the Offeror.

ADOPTED this 21<sup>st</sup> day of November, 2016.

**SPONSOR:**

Nancy Huder  
**COUNTY COMMISSIONER**

**APPROVED:**

\_\_\_\_\_  
**COUNTY MAYOR**

**ATTEST:**

\_\_\_\_\_  
**COUNTY CLERK**

**A RESOLUTION TO ACCEPT OFFER TO PURCHASE PROPERTY OWNED BY CUMBERLAND COUNTY**

**WHEREAS**, Rusty Norrod presented an offer to the Cumberland County Delinquent Tax Committee for property currently owned by Cumberland County; and,

**WHEREAS**, said offer is for one (3) parcels of property known as:

Map 46	Group -	Parcel 064.01	Billy Goat Road
Map 46	Group -	Parcel 065.00	123 Mayland Drive
Map 53K	Group C	Parcel 031.00	43 Brooks Lane

**WHEREAS**, Rusty Norrod wishes to pay \$300.00 for said properties; and,

**WHEREAS**, the Cumberland County Delinquent Tax Committee, meeting in regular session voted to recommend to the full Cumberland County Commission that said Commission accept this offer.

**NOW, THEREFORE, BE IT RESOLVED** that the Cumberland County Commission meeting in its regular monthly session hereby accepts said offer, sells said realty to the Offeror.

ADOPTED this 21<sup>st</sup> day of November, 2016.

**SPONSOR:**

Nancy Hyder   
**COUNTY COMMISSIONER**

**APPROVED:**

\_\_\_\_\_  
**COUNTY MAYOR**

**ATTEST:**

\_\_\_\_\_  
**COUNTY CLERK**

**RESOLUTION NO. 11-2016-5**

**RESOLUTION TO APPOINT CUMBERLAND COUNTY FIRE CHIEF**

**WHEREAS**, it is the recommendation of the County Mayor that

**Trevor Kerley**

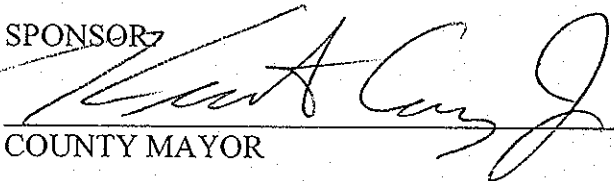
be appointed to serve as the Cumberland County Fire Chief with his salary and benefits amended accordingly.

**WHEREAS**, CTAS (County Technical Assistance Service) reviewed, evaluated, and recommended Mr. Kerley.

**NOW, THEREFORE, BE IT RESOLVED**, that this resolution shall take effect upon adoption at the following legislative body meeting.

This 21<sup>st</sup> day of November, 2016.

SPONSOR

  
COUNTY MAYOR

APPROVED:

\_\_\_\_\_  
COUNTY MAYOR

ATTEST:

\_\_\_\_\_  
COUNTY CLERK

**RESOLUTION NO. 11-2016-6**

**THIS RESOLUTION** is made this 21<sup>st</sup> day of November, 2016 by the Cumberland County Commission, sitting in its monthly called session.

**WHEREAS**, it has been well known that a wind farm consisting of a proposed swath of large wind turbines that will cut across the ridgeline of Millstone and Crab Orchard Mountains; and

**WHEREAS**, Cumberland County recognizes that it has no authority or regulation that can control these industrial developments or projects involving private landowners; and

**WHEREAS**, it remains that certain citizens of Cumberland County and other residents of this beautiful plateau are strongly interested in preserving the Ridgelines of Cumberland County in their natural state; and

**WHEREAS**, some citizens of Cumberland County do not want industrial turbines on its forested ridgelines or in areas too close to homes; and

**WHEREAS**, the Cumberland County Commission would move and encourage that the State of Tennessee Government in its 110<sup>th</sup> General Assembly pass legislation regarding the impact of such developments on local wildlife and other ecological factors that would negatively impact the area that could bring damage that would be beyond repair; and

**WHEREAS**, the State should also consider passing legislation regarding the impact of such developments on local wildlife and other ecological factors that would negatively impact the area that could bring damage that would be beyond repair; and

**WHEREAS**, the State of Tennessee should consider legislation that would preserve scenic lands from that are in view of Tennessee Highways' and Interstates and prevent such unsightly structures such as windmills and old dilapidated structures such as water towers; and

**WHEREAS**, the State of Tennessee should consider passing legislation that would require a State application process as well as an ecological, environmental and health risks study prior to the application being approved.

**NOW, THEREFORE, BE IT RESOLVED BY THIS BOARD, IN SESSION ASSEMBLED;** That on the November 21, 2016 session of the Cumberland County Commission meeting, the Commission hereby approves of the aforementioned measures to be sent to the State of Tennessee, by and through it legislatures, Senator Paul Bailey and Representative Cameron Sexton to be presented in its proper form to be considered by the 110<sup>th</sup> General Assembly.

**SPONSOR:**

  
\_\_\_\_\_  
COUNTY COMMISSIONER

**APPROVED:**

\_\_\_\_\_  
COUNTY MAYOR

**ATTEST:**

\_\_\_\_\_  
COUNTY CLERK